REMARKS/ARGUMENTS

This communication is in response to the Non-Final Office Action dated June 14, 2011. Claims 7 and 16 were previously canceled, without prejudice. Claims 1-6, 8, 9 and 12-15 remain pending in this application with claims 1 and 12 being the only independent claims. Reconsideration is respectfully requested.

Prior Art Rejections

Claims 1-6, 8 and 12-17 are rejected under 35 U.S.C. §103(a) as obvious over Laumen et al. (U.S. Patent Application Publication No. 2003/0086438) in view of Gabriel et al. (U.S. Patent Application Publication No. 2004/0082348) and Shiigi (U.S. Patent Application Publication No. 2004/0249899).

Applicant notes that the heading should be modified by the Examiner to reflect that claims 16 and 17 were previously canceled.

Claim 9 is rejected under 35 U.S.C. §103(a) as obvious over Laumen et al. in view of Gabriel et al., Shiigi and Ala-Luukko et al. (U.S. Patent Application Publication No. 2003/0064706).

Applicant respectfully traverses the prior art rejections for the reasons discussed in detail below.

Independent Claims 1 & 12

Independent claim 1 specifies "wherein the e-mail is transmitted from a sender via a polled e-mail server to the recipient" and that "the e-mails are forwarded from the polled e-mail server to a specially configured push mail server based on the e-mail address of the recipient, from where they are delivered to the telecommunication terminal based on a telephone number, which is included in the e-mail or determined from a database, via conventional MMS or WAP push systems; wherein the push mail server encapsulates the e-mail in a suitable content type, so that the e-mail can be transmitted via MMS or WAP push format." (emphasis added)

Claim 1 is distinguishable over the prior art in several respects. First, claim 1 calls for the transmission of an e-mail message via two different types of servers, namely a "polled e-mail server" and a "push mail server" that delivers the e-mails via conventional MMS or WAP push systems in accordance with MMS or WAP push formats. Accordingly, the claim expressly combines elements of an e-mail system (e.g., a polled e-mail server) with elements of a MMS or WAP system (e.g., push systems that deliver e-mail via conventional MMS or WAP push systems in accordance with MMS or WAP push formats).

The detailed description of the invention in Laumen et al. relates to the transmission of multimedia messages (MMs) using exclusively only MM relay/servers (e.g., RSA 2 and RSB 12), not e-mail messages using polled e-mail servers. Only a single reference is found in the entire Laumen et al. patent to e-mail messages in paragraph [0015] which reads "A message within the context of the present invention can be a conventional SMS, an MM with multimedia contents or any other electronic message. The present invention is described below using the MM, without this intending to constitute a restriction to this message type." As is know to one of ordinary skill in the art, e-mails differ fundamentally from MMs due to the employed transmission protocol. Therefore, a person of ordinary skill in the art when extrapolating based on the guidance provided in the detailed disclosure relating to the transmission of only MMs using exclusively MM relay/servers in accordance with MM transmission protocol, that the mere mention of the invention being applicable to electronic messages other than SMS or MM would inherently require using only e-mail relay/servers (rather than MMs or WAP push systems) and e-mail transmission protocol (rather than MMs or WAP format). No disclosure or suggestion is found anywhere in Laumen et al. for a hybridization wherein the transmission of an e-mail message using a different type MM or WAP relay/server and MM or WAP transmission protocol, as called for in claim 1.

This hybridization between two different message types (e.g., e-mail messages and MMs) is further emphasized in claim 1 by the limitation that calls for "wherein the push mail server encapsulates the e-mail in a suitable content type, so that the e-mail can be transmitted via MMS or WAP push format." (emphasis added) Laumen et al. teaches transmission of a single message content type (e.g., MMS multi media message MM_A) via its own relay/servers (e.g., MM relay/servers) in accordance with its own format protocol (e.g., MMS or WAP format). Since

MMS or WAP format is a standard transmission protocol for MMs no encapsulation of the message in a suitable content type is required. No where does Laumen et al. either disclose or suggest transmission of an e-mail (rather than an MM) via MMS or WAP relay/servers via MMS or WAP format by encapsulating this e-mail in a suitable content type, as found in amended claim 1.

The aforementioned arguments were not addressed by the Examiner in the outstanding Office Action. If the Examiner maintains the same prior art rejection, Applicant requests additional clarification and remarks as to why these arguments are not persuasive.

Claim 1 is further distinguishable over the prior art cited in that it calls for "wherein a conventional WAP client or MMS client, which detects and processes the e-mails encapsulated in the suitable content type, is installed in the telecommunication terminal; if message units encapsulated with the suitable content type are detected, the e-mail contained therein is extracted and transmitted to the e-mail client of the telecommunication terminal." (emphasis added)

In the outstanding Office Action, the Examiner acknowledges that this limitation is not taught by Laumen et al. but nevertheless rejects the invention as obvious over Laumen et al. in view of Gabriel and Shiigi.

Applicant respectfully traverses the Examiner's rejection. The prior art passages cited by the Examiner fail to teach the missing claimed limitation. The disclosure in Shiigi relating to encapsulation reads "The Mail Server 540 sends the email message with encapsulated GIF image directly to the recipient's client computer 530, and the recipient views the attached GIF file using whatever GIF viewer they have available on their computer." Paragraph [0082](emphasis added) First, Applicant asserts that a GIF image is not a message content type. Moreover, in contrast to the present claimed invention which calls for "e-mails encapsulated in the suitable content type," Shiigi discloses an encapsulated GIF image sent with the email message, not that the email message itself is encapsulated in accordance with a suitable content type. In addition, assuming, *arguendo*, that the GIF image is in fact a suitable content type, it is the only one disclosed and recognized, whereas the claims call for processing e-mail encapsulated in the suitable content type. Accordingly, since only one content type is recognized, Shiigi fails to disclose or suggest processing e-mails encapsulated in the suitable content type." (emphasis added)

Independent claim 12 is the apparatus counterpart of method claim 1 and thus patentable

over the prior art of record for similar reasons to those described above with respect to claim 1.

Dependent Claims 2 & 15

Claim 2 states "a subscriber account is established for each subscriber on the push mail server, the subscriber account including the telephone number of at least one telecommunication terminal and the e-mail address of the recipient." (emphasis added) In Laumen et al. there is no disclosure or suggestion for creating such an account including both pieces of information. There is no need or motivation to create such an account based on the two pieces of information since both service providers are MMS service providers. The Examiner acknowledges that Laumen et al. fails to disclose this limitation but relies on Gabriel et al. as a secondary reference to teach this feature. Gabriel et al. discloses "To use this feature of the system a user can create a regular SMS message in the user's email program, and addresses the message to the desired recipient's telephone number at the management server's address (recipient'snumber@managementsever.com)." {Paragraph [0233]} Thus, in Gabriel et al. the user themselves must address the message to the desired recipient's telephone number at the management server's address, whereas in the present claimed invention this function is performed by the push mail server based on the subscriber account. All the user is required to supply with the e-mail message is the recipient's e-mail address. No teaching or suggestion in either Laumen et al. or Gabriel et al. is found for a subscriber account being established for each subscriber on a push mail sever, wherein "the subscriber account including the telephone number of at least one telecommunication terminal and the original e-mail address of the recipient," as found in claim 2.

Furthermore, Gabriel et al. discloses a subscriber account including a telephone number (receipient'snumber@managementserver.com) {paragraph [0233]} and that "a user's account can also be set up to receive SMS messages via email." {paragraph [0234]} Accordingly, Gabriel et al. discloses the account being based on either the telephone number or the e-mail address, but not both, as called for in claim 2.

The aforementioned arguments were not addressed by the Examiner in the outstanding Office Action. If the Examiner maintains the same prior art rejection, Applicant requests additional clarification and remarks as to why these arguments are not persuasive.

Claim 15 contains a limitation similar to that found in claim 2 and thus is patentable over

the prior art of record for at least the same reasons discussed above with respect to claim 2.

Dependent Claim 5

Claim 5 calls for "wherein the push mail server is connected to the MMS or WAP push systems of the employed telecommunication network." The Examiner maintains that MMS Relay/Server RSB reads on the claimed "push mail server." The MMS Relay/Server RSB is in fact part of the MMS push system rather than connected to the push system.

The aforementioned arguments were not addressed by the Examiner in the outstanding Office Action. If the Examiner maintains the same prior art rejection, Applicant requests additional clarification and remarks as to why these arguments are not persuasive.

For the foregoing reasons, Applicant submits that the claims are patentable over the prior art of record and passage of this application to issuance is therefore requested.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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